

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**May 12, 2003**

DIVISION ONE

B155025 DeHaven (Not for Publication)  
B154989 v.  
Holy Spirit Association for the Unification of World Christianity

The appeal is dismissed. The petition is denied. The parties are to bear their won costs.

Ortega, J.

We concur: Spencer, P.J.  
Mallano, J.

B156117 People (Not for Publication)  
v.  
Dobbs

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B159138 People (Not for Publication)  
v.  
Appleby

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Mallano, J.

April 12, 2003 (Continued)

## DIVISION ONE (Continued)

B153709 Commercial Programming Systems, Inc. (Not for Publication)  
v.  
Realnewsnet.Com

The judgment is affirmed. Each party to bear their own costs.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

DIVISION FOUR

[illegible]

Condition number 15 of appellant's probation is modified to read as follows: "Do not associate with anyone known to you to be disapproved of by your parents, the probation officer or a school official." As modified, the judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B152948      Rusheen  
v.  
Cohen

Filed order granting petition for rehearing.

April 12, 2003 (Continued)

DIVISION FIVE

B159686 People (Not for Publication)  
v.  
Jenara Valle

The judgment is affirmed.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                         Mosk, J.

B161546 People (Not for Publication)  
v.  
Clemente R.

The judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
Mosk, J.

B156883      People  
v.  
Cornelius Burford

Filed order denying petition for rehearing.

DIVISION SIX

B159194      Geyser      (Not for Publication)  
v.  
Excel Legacy Corporation

The judgment of dismissal on Geyser's complaint and Excel's cross-complaint is reversed. The case is remanded for a new trial. The parties shall bear their own costs on appeal.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

April 12, 2003 (Continued)

DIVISION SIX (Continued)

B159432      Priscilla Herzog                      (Not for Publication)  
v.  
Board of Retirement, Santa Barbara Co. Employees' Retirement System

Accordingly, the judgment is affirmed. Costs to respondent.

Perren, J.

We concur:   Yegan, Acting P.J.  
                  Coffee, J.

B156757      People    (Not for Publication)  
v.  
Churchwell

Churchwell's conviction on both counts of rape is reversed and his 15-years-to-life sentence for forcible oral copulation (count 3) is vacated. The matter is remanded for resentencing and other proceedings consistent with this opinion including, in the prosecution's discretion, retrial of the rape counts. In all other respects, the judgment is affirmed.

Perren, J.

We concur:   Gilbert, P.J.  
                  Coffee, J.

B162357      People                      (Not for Publication)  
v.  
Juan G.

The juvenile court's order sustaining the charges of assault with a firearm is reversed. The finding that the minor committed battery in violation of section 242 is affirmed. The matter is remanded to the juvenile court with directions to vacate the disposition, dismiss the section 245, subdivision (a)(2) charges, and enter a new disposition on the battery adjudication.

Perren, J.

We concur:   Gilbert, P.J.  
                  Coffee, J.

## DIVISION SEVEN

B136865 People (Not for Publication)  
v.  
David S.

The order under review is reversed insofar as the court failed to exercise its discretion to determine if the offense of street terrorism was properly a felony or misdemeanor. The cause is remanded to permit the juvenile court to make this determination for Count II and to recalculate the maximum theoretical period of confinement if the court concludes the offense is a misdemeanor. In all other respects, the order under review is affirmed.

Johnson, J.

We concur: Perluss, P.J.  
Woods, J.

B162114      Howard H. Hall, et al.      (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(Brent Lindrum, r.p.i.)

Let a peremptory writ of mandate issue directing the respondent superior court to vacate its order of September 5, 2002 denying petitioners' motion for summary judgment, and to issue an order granting the motion. Petitioners are entitled to recover their costs on this writ proceeding.

Johnson, J.

We concur: Perluss, P.J.  
Woods, J.

April 12, 2003 (Continued)

## DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Lillie, P.J.  
Woods, J.

The above opinion was originally filed on 11-14-01. Per order this date, the Court has recalled the remittitur and directed the re-filing of the same opinion as of 5-12-03.

## DIVISION EIGHT

B160841 People (Not for Publication)  
v.  
Joey H.,  
In re Joey H., a Person coming Under the Juvenile Court Law.

The order of wardship is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B162142      McGee Street Productions      (Certified for Publication)  
Hallmark Entertainment  
v.  
Workers Compensation Appeals Board  
Kenneth Peterson (Dec'd), Gabrielle Peterson, Respondent

We annul the Board's order after reconsideration.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.